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AN

ACT

FOR

The more effectual carrying into Execution an Act, Intitled, *An Act for the Relief of the Creditors of the Bank, lately kept by* Samuel Burton *and* Daniel Falkiner; *and of the Creditors of the Bank, lately kept by* Benjamin Burton, Samuel Burton *and* Daniel Falkiner; *and of the Creditors of the Bank, lately kept by* Benjamin Burton *and* Samuel Burton; *and of the Creditors of the Bank, lately kept by* Benjamin Burton *and* Francis Harrison.

DUBLIN:

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XII
CRVS

AN ACT FOR

The more Effectual Carrying into Execution an Act, Intitled, *An Act for the Relief of the Creditors of the Bank, lately kept by* Samuel Burton *and* Daniel Falkiner; *and of the Creditors of the Bank, lately kept by* Benjamin Burton, Samuel Burton *and* Daniel Falkiner; *and of the Creditors of the Bank, lately kept by* Benjamin Burton *and* Samuel Burton; *and of the Creditors of the Bank, lately kept by* Benjamin Burton *and* Francis Harrison.

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WHEREAS in and by an Act of Parliament made in this Kingdom, in the Seventh Year of the Reign of His Present Majesty, Intitled,

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titled, An Act for the Relief of the Creditors of the Bank, lately kept by *Samuel Burton* and *Daniel Falkiner*; and of the Creditors of the Bank, lately kept by *Benjamin Burton*, *Samuel Burton*, and *Daniel Falkiner*; and of the Creditors of the Bank, lately kept by *Benjamin Burton* and *Samuel Burton*; and of the Creditors of the Bank, lately kept by *Benjamin Burton*, and *Francis Harrison*: All and Singular, the Manors, Lands, Tenements, and Hereditaments, Rents, Reversions, Remainders, Uses, and Trusts, which the said Francis Harrison, Benjamin Burton, Samuel Burton, and Daniel Falkiner, or any or either of them, was, or were, at the respective Times therein Mentioned Seized of, or Intitled unto, in Fee Simple, or Fee Tail, or for Life or Lives, either in Law or Equity, and all Debts which had not theretofore been, Bona Fide, paid or Discharged, and were Due and Owing to them, or any, or either of them, at the respective Times therein Mentioned, or which they, or any, or either of them, was, or were Intitled unto, and likewise all other the Estate, Real and Personal, which they, or any, or either of them, was or were Seized, Possessed of, Interested in, or Intitled unto, at the respective Times therein Mentioned, except such Sum or Sums of Money, as had before the Time of passing the said Act of Parliament been Really, and Bona Fide, applied

applied to the Payment of their, or either of their Debts, or such part of their, or either of their personal Estate, as had been, Bona Fide, or for Valuable Consideration Sold, were Vested in the Seisin and Possession of the Right Honourable Henry Boyle Esquire, then Speaker of the House of Commons, and Chancellor of His Majesty's Court of Exchequer in Ireland, and now Earl of Shannon, the Right Honourable Thomas Marlay Esquire, the Lord Chief Baron of His Majesty's Court of Exchequer, since Deceased, the Honourable Michael Ward Esquire, one of the Justices of His Majesty's Court of King's Bench, the Honourable John Wainwright Esquire, then one of the Barons of His Majesty's Court of Exchequer, since Deceased, the Honourable Robert Lyndsay Esquire, then one of the Justices of His Majesty's Court of Common Pleas, since Deceased, the Honourable Henry Singleton Esquire, then His Majesty's Prime Serjeant at Law, and now Master of the Rolls, the Honourable John Bowes Esquire, then His Majesty's Sollicitor General, and now Lord High Chancellor of Ireland, Eaton Stannard Esquire, then Recorder of the City of Dublin, since Deceased, William Vesey Esquire, then one of the Masters of His Majesty's High Court of Chancery, since Deceased, Thomas Trotter Esquire, then one of the Masters

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of His Majesty's High Court of Chancery, since Deceased, and Boleyn Whitny, of the City of Dublin, Esquire; being Trustees to put the said Act in Execution, their Heirs, Executors, and Administrators, which said Trustees, or any Three or more of them, were thereby Authorized to Sell and Dispose of the said Real and Personal Estates, or so much thereof as should be Necessary for the several Purposes therein after mentioned, and to call in, Sue for, or Compound the said Debts, Due to the said Benjamin Burton, Francis Harrison, Samuel Burton, and Daniel Falkiner, or to any or either of them in Trust, to Apply the Money arising thereby in such Manner as is therein after Directed; and in particular, out of the Real and Personal Estate of the said Francis Harrison, to Pay all the Joint and Separate Debts, Due by the said Francis at the Time of his Death, and remaining Unpaid, and a Moiety of so much as was paid, after the Death of the said Francis Harrison, in the Lifetime of the said Benjamin Burton, on Account of their Partnership Debts, and the whole of what was Paid after the Death of the said Benjamin Burton, on Account of their Partnership Debts, over and above what had been Received out of their Partnership Effects.

And whereas one other Act passed in this Kingdom, in the Ninth Year of His present Majesty's Reign, Intitled, An Act for Continuing and Amending the before mentioned Act; and another Act passed in this Kingdom, in the Twenty Fifth Year of His present Majesty's Reign, Intitled, An Act for the more Effectual carrying into Execution the said first mentioned Act, by taking away the Benefit of Pleading the Statutes of Limitations, from the several Debtors to the said several Banks, and to the said several Bankers, and to Enable the said several Creditors, to make Composition for their several Debts.

And whereas the said Trustees did, in part, Execute the several Trusts by the said Acts reposed in them, and Ascertained the Sum to be Raised out of the said Estate of the said Francis Harrison, on Account of what was Paid, after the Death of the said Francis Harrison, by the said Benjamin Burton and the Succeeding Bankers, to the Sum of Forty three thousand four hundred and thirty six Pounds, Fifteen Shillings, and Seven Pence, but have been Obstructed in the Execution of many of the said Trusts for several Years past, by tedious Suits in Equity, and other Controversies carried on by several of the Per-

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sons Interested in the said Trust, by Means whereof the Execution of the said Acts of Parliament, hath taken up much longer Time than was foreseen by the Legislator, at the Time of passing the same.

And whereas the said Trustees have Levied and Raised, out of the said Estate of the said Francis Harrison, a Fund sufficient to Satisfy the said Sum of Forty three thousand four hundred and thirty six Pounds, Fifteen Shillings, and Seven Pence, with Interest, and all Costs and Expences, Chargeable on the said Estate, for passing and carrying into Execution the said recited Acts, and also to Satisfy all other the Joynt and Separate Debts of the said Francis Harrison, Decreed by them, in Pursuance of the Powers and Authorities Vested in them by the said Acts, and have by Two several Payments, Paid to the Creditors of said Banks, Fifteen Shillings in the Pound, of their Principal Debts, and have also Paid to the separate Creditors of the said Bankers, their several Uncontested separate Debts, and the said Trustees never Received any Money which was Raised out of all, or any of the Estates Vested in them by the said Act; but the same was Paid into the Bank, formerly kept by Hugh Henry Esquire, and Company, and

and now, by Henry Mitchell, Esquire, and Company.

And whereas, by One other Act of Parliament, made in the Twenty first Year of His Majesty's Reign, to Confirm and carry into Execution, certain Articles of Agreement, Entered into, by, and between Abraham Creighton Esquire, on Behalf of himself and others, and William Todd Esquire, on Behalf of himself and others, it is Enacted, that such Part of the Real and Personal Estate of the said Francis Harrison, as shall remain Unsold or Undispoſed of, by the said Trustees Mentioned in the said several Recited Acts, after the full Execution of such Parts of the said several Acts, so made for the Relief of the Creditors of the said several Banks, in the said Recited Acts mentioned, as Relate to the said Estates, Real and Personal, of the said Francis Harrison, shall be, and the same is, and are thereby Vested in the Right Honourable Somerset Hamilton, then Lord Viscount Ikerrin, and now Earl of Carrick; the Honourable Michael Ward, one of the Justices of His Majesty's Court of Kings Bench; Thomas Morgan, of the City of Dublin, Esquire, since Deceased; David Giball of the said City Merchant, and James Taylor of the said City Merchant, and the Survivors and Survivor of them, and the Heirs, Executors,

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and Administrators of such Survivor, in Trust, and for the several Purposes therein mentioned.

And whereas there now remains Unapplied by the said Trustees, a large Sum of Money in the Bank kept by the said Henry Mitchell and Company, part of which Sum was Raised out of the Estate of the said Francis Harrison, and part out of the Estates of the said other Bankers, and there also remain Vested in the said Trustees, several unsatisfied Securities of the said Banks, which Amount to a very Considerable Value.

And whereas the several Trusts reposed in the said Trustees, so far as the same related to the Real and Separate Personal Estate and Effects, of the said Francis Harrison are fully Executed, save only as to the Application of the Money Raised and Received by them out of the said Estate, and remaining in the Hands of the said Henry Mitchel and Company Unapplied, but several of the Trusts reposed in the said Trustees, still remain to be Executed, and the Present Surviving Trustees, are reduced to Five in Number, who, by their Years or their respective Stations, are rendered Incapable of Acting further in any of the said Trusts or Powers, Vested in them

them by the said Acts, by Means whereof there is a Stop put to the Execution of the said Trusts and Powers, and the said Securities and Effects remaining Vested in them, are in manifest Danger of being lost, and rendered of no Effect to the persons interested, unless the said Trustees are Discharged from the said Trusts, and the said Effects are Vested in other persons.

For Remedy whereof, and for the more effectual Carrying the said several recited Acts into Execution, Your Majesty's Most Dutiful Subjects, Charles, Lord Archbishop of Dublin, Mary, Countess Dowager of Kildare, Edward, Lord Bishop of Elphin, Ignatius Kelly, Henry Hatch, Thomas Croker, Francis Lodge, Hugh Eccles, and William Chamberlain, of the City of Dublin, Esquires, and Thomas Wolfe and John Finlay, of the same City, Gentlemen, in Behalf of themselves and several other Creditors of the said Bankers, humbly pray that it may be Enacted;

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That all and every such Part and Parts of the Lands, Tene-

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ments, Hereditaments, Rents, Reversions, Remainders, Uses, Trusts, and all such Parts of the Estates Real and Separate Personal Estate of the said Francis Harrison, which by the said Act of the Seventh Year of His Present Majesty's Reign, were Vested in the said Trustees, and which now remain Unsold or Uncollected by the Trustees named in the said recited Act, shall be, and are hereby Vested, and Declared to be Vested in, and in the Seisin and Possession of the said Earl of Carrick, Michael Ward, David Giball, and James Taylor, and the Survivors and Survivor of them, and the Heirs, Executors, and Administrators of such Survivor, in Trust, and to and for the several Uses, Intents, and Purposes, in the said Act of the Twenty first Year of His Majesty's Reign, Mentioned, Expressed, and Appointed, concerning the same.

And be it further Enacted by the Authority aforesaid, That the said Trustees in the said Act of the Seventh Year of His Majesty's Reign Named, and the Survivors and Survivor of them, do and shall, on or before the Twenty fourth Day of June, One thousand seven hundred and fifty eight, Deliver over, or cause to be Delivered over, by their Register or Registers, all Books, Papers, Writings, Deeds, Securities, and Evidences, which

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are in their, or any of their Custody or Power, any Way relating to the Real or Separate Personal Estate of the said Francis Harrison only, which now remain Unsold, or Uncollected, as aforesaid, unto the said Earl of Carrick, Michael Ward, David Giball, and James Taylor, or any Three of them, in Trust, and for the Uses and Purposes in the said Act of the Twenty first Year of His Majesty's Reign, Mentioned and Appointed; and that all the Partnership Effects of the said Francis Harrison, and all Sums of Money which have been by the said Trustees, or their Agents, Collected or Received out of the Estate and Effects of the said Francis Harrison, and which remains in the Hands of the said Trustees, their Bankers, or the Agents by them Appointed, and all and every such Part and Parts of the said Lands, Tenements, Hereditaments, Rents, Reversions, Remainders, Uses, and Trusts, and all such Parts of the Estates, Real and Personal, of the said Benjamin Burton, Samuel Burton, and Daniel Falkiner, Separate, or in Partnership, which, by the said Act of the Seventh Year of His Majesty's Reign, were Vested in the said Trustees, and which now remain Vested in them, be, and shall, and are hereby Vested and Declared to be Vested in, and in the Seisin and Possession of Joseph Green, William Whittingham, Thomas Eyre, Esquire,

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His Majesty's Engineer and Surveyor General, William Horton, John Hatch, Michael Daly, William Bull, Esquires, John Abernethy, and George Knox; being Assignees appointed for the Intents and Purposes herein after mentioned, their Heirs, Executors, and Administrators, in as full and ample Manner, to all Intents and Purposes, as the same were Vested in the said Trustees, by the said Act of the Seventh Year of His present Majesty's Reign, to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Powers, Provisoes, as do now, in and by the said recited Acts, stand Limited, Enacted, or Declared, of and concerning the same respectively.

And be it Enacted by the Authority aforesaid, That the said Trustees, or the Survivor or Survivors of them, do, and shall, with all convenient Speed, after the Passing of this Act, Deliver, or cause to be Delivered, by the Register or Registers, or others Employed by them, to the said Assignees, or any Three or more of them, all Books, Papers, Deeds, and Securities, any way concerning or relating to the said Lands, Tenements, Hereditaments, Real and Personal Estates hereby Vested, or intended to be Vested in the said Assignees, or any Part or Parts thereof, or any Wise

concerning

concerning all or any of the Proceedings and Adjudications of the said Trustees in the Execution of the said Trust reposed in them by all or any of the said recited Acts, or any Ways relating thereunto, that are in the Power, Custody, or Possession of the said Trustees, or any of them, their Register or Registers.

And be it further Enacted by the Authority aforesaid, That the said Surviving Trustees, and the Survivors and Survivor of them, and their and every of their respective Heirs, Executors and Administrators, the respective Heirs, Executors and Administrators of the said Deceased Trustees, and the respective Estates, Real and Personal, of the said several Trustees, be, and shall be, and are hereby adjudged and declared to be absolutely Freed and Discharged of, and from all and every of the said Trusts, and of and from all Claims and Demands whatsoever, that can or may be made to or upon them, or any of them, for, or on Account, or by Reason, or in Consequence of any Decree, Adjudication, Order, Opinion, or Direction, pronounced, made, or given by the said Trustees, or any of them, in Execution of, or in what the said Trustees, or any of them, did consider to be done, in Execution of the said recited Acts, or any of them; and also

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of and from all Claims and Demands whatsoever, that can or may be made to, or upon them, or any of them, for, or by Reason, or in Consequence of the Neglect, Default or Misbehaviour of any Person or Persons whatsoever employed by them, or any of them, in the Execution of the said recited Acts, or any of them; and also of and from all Claims and Demands whatsoever, that can or may be made to, or upon them, or any of them, for, or by Reason, or in Consequence of the Neglect, Misbehaviour, or Insolvency of any Agent or Agents, Receiver or Receivers, Banker or Bankers, named, employed or appointed by them, the said Trustees, or any of them, to Collect or Receive the Debts, or any Part thereof Due to the said Bankers, or any of them, or the Rents of the Estates of the said Bankers, or any of them, or the Money for which the Estates of the said Bankers, or any of them, was or were sold, and that in any Suit now depending, or which may arise either in Law or Equity, touching or concerning any of the Matters aforesaid, or any Part of the Real or Personal Estates by the said first recited Act, Vested in the said Trustees, or the Disposal or Application thereof, or any Part or Parts thereof, by the said Trustees, or any of them, it shall not be necessary to make the

said Trustees, or any of them, their, or any of their Heirs, Executors, or Administrators, or the Creditors of the said Bankers, or of any of them Parties; but that in every such Suits the said Assignees shall be in their Places, and that all Suits heretofore commenced and now depending in any Way Relative to the Premisses, may, by Leave of the respective Courts wherein such Suits do depend, be prosecuted and defended in the Names of the said Assignees, or their Nominee, as hereafter mentioned.

And be it further Enacted by the Authority aforesaid, That the said Assignees, or any Three or more of them, shall, out of the Money that they shall receive out of the Estates, Real and Personal, hereby Vested in them, pay so much as will Satisfy all the Costs and Expences of passing this Act, and all Disbursements relating thereto, and all such Poundage or Allowance, as is provided by the said Act of the Seventh Year of His Present Majesty's Reign for the said Trustees, for their Undertaking the Trusts of the said Act; and also all the Disbursements, Costs, and Expences, which the said Trustees have had been at, and which remain unsatisfied, for, or on Account of obtaining or carrying the said several former Acts, or any, or either

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of them, into Execution; and all Bill and Bills of Cost which remained due and unpaid to any Agent or Agents, Attorney or Attorneys, Solicitor or Solicitors, heretofore Nominated or Appointed by the said Trustees in the said Act of the Seventh Year of his Majesty's Reign, Named, or by any Three or more of them, to Prosecute or Defend any Suit or Suits at Law, or in Equity, Relative to the Estates, Real or Personal, thereby Vested, or intended to be Vested in them, and also all Costs, Expences and Disbursements, which shall or may attend the Execution of this Act, or which shall be paid, laid out, or expended by the said Assignees, or any Three or more of them, in Suing for, Recovering, Receiving, or Defending the said respective Estates and Effects.

Provided allways, that out of the Partnership Effects of the said Francis Harrison, and the Money received by the said Trustees out of the Estate of Francis Harrison, and remaining unapplied as aforesaid, no greater Proportion of the Expences and Costs of passing this Act, or of the Disbursements Relative thereto, than one Third Part shall be paid; and that all Expences which shall or may attend the Execution of this Act, or Suing for, or otherwise Relative to the said Estates and Effects, shall

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be paid out of the respective Estates of such of the said late Bankers, as such Suits or Expences shall relate to.

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And be it further Enacted by the Authority aforesaid, That the said Assignees, or any Three or more of them, do, and shall Settle and Adjust all and every Account and Accounts which are Depending or Unsettled between the said Trustees, or any of them, and the several Agents and Receivers employed by the said Trustees, or any of them, in Calling in or Receiving the several Rents Arising out of the said Estates of the said Benjamin Burton, Samuel Burton, and Daniel Falkiner, or any of them; and also all and every Account Depending and Unsettled between the said Trustees, or any of them, and the Banker or Bankers in whose Hands all or any Part of the Money Arising out of, or by Sale of all or any Part of the Real or Personal Estates, so as aforesaid, Vested in the said Trustees, has at any Time been Deposited, and to Sue for and Compel such Agent or Agents, Receiver or Receivers, Banker or Bankers, or any of them, to pay to the said Assignees, or any Three or more of them, such Ballance or Ballances, as shall appear, upon Settling and Adjusting said Accounts, to be Due from them, or any of them respectively; and also

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to deliver up to the said Assignees, or any Three or more of them, all Deeds, Evidences, Securities, or Pleadings, relative to the Premisses, in their, or any of their Hands, Custody or Power.

And be it further Enacted by the Authority aforesaid, that the said Assignees, or any Three or more of them, shall or may Call in and Receive, or Sue for, Recover, or Compound, all, or any of the Debts Due on the Securities hereby Vested in them; and also Take and Receive, or Sue for and Recover the possession of all or any of the Lands, Tenements, Hereditaments, and Premisses hereby Vested in them, or the Rents and Profits thereof, and that all Suits, either in Law or Equity for that Purpose, may be Commenced and Prosecuted in the Name or Names of any Person or Persons to be nominated for that Purpose by the said Assignees, or any Three or more of them; and that all Proceedings in the Name or Names of such Person or Persons so to be nominated by Virtue of this Act, shall be as good and effectual, to all Intents and Purposes, as if such Suits and Proceedings had been carried on in the Names of the said Assignees, or any Three or more of them; and in Case of the Death of any Person or Persons so Nominated, another Person or

Persons

persons shall or may be Nominated by the said Assignees, or any Three or more of them, and such Suit or Suits shall not abate by the Death of any such Person or Persons, but shall proceed in the Name or Names of such other Person or Persons, as shall be nominated as aforesaid.

And be it further Enacted by the Authority aforesaid, That no Person or Persons, who shall be Sued, either at Law or Equity, by the said Assignees, or any Three or more of them, or by any Person or Persons to be appointed by them, to Sue as aforesaid, by Virtue of all, or any of the Powers given them by this Act, shall have any Privilege as Member or Members of either House of Parliament, saving, as to the Persons of such Members; any thing herein before Contained, or any Law, Usage or Custom to the Contrary thereof, in any Wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Assignees, or any Three or more of them, shall and may Nominate, and Appoint One or more Agent or Agents, Attorney or Attorneys, to Carry on such Suits as are or shall be thought to be necessary for Calling in and Recovering all or any of such Debts or Effects as aforesaid, and also for Defend-

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ing the said Assignees, or the Survivors or Survivor of them, against all such Suit or Suits as shall or may be Commenced against them, or any of them, for, or on Account of, all or any of the Trusts hereby Reposed in them; and that the said Assignees, or any Three or more of them, shall and may, out of the Money that they shall Receive, or be intitled to Receive, by Virtue of this Act, pay to such Agent or Agents, Attorney or Attorneys, such Sum or Sums of Money as they, or any of them, shall expend, together with the usual and accustomed Solicitation Fees, as also such further Sum or Sums of Money as the said Assignees, or any Three or more of them, shall think Just and Reasonable for any extraordinary Trouble, or Labour, such Agent or Agents, Attorney or Attorneys, or any of them, shall or may be at, for, or on Account of Commencing, or Prosecuting, or Defending any such Suit or Suits as aforesaid: And further, that it shall and may be Lawful to and for the said Assignees, or any Three or more of them, by and with the Consent in Writing of the Petitioning Creditors herein before mentioned, or of Two Thirds or more of them, to Give, Grant, and Assign such Part or Parts of the Estates, Effects, or Interests belonging to the Bank Creditors, Vested, or hereby intended to be Vested in the said Assignees, as a Reward or Recompence to such

such Person or Persons as they shall find have been already Serviceable, or shall hereafter be Serviceable, in Carrying into Execution the said former Acts, or any or either of them, or this present Act, or the Trusts, or any of them, reposed in the said Trustees, or in the said Assignees; Provided allways, that no such Composition, Reward, or Assignment, shall affect the said Francis Harrison's Effects, without the Consent in Writing of the said Abraham Creighton, and William Tod, their respective Executors and Administrators.

And be it further Enacted by the Authothority aforesaid, That the said Assignees, or any Three or more of them, whilst the said Estates, Securities, or Debts, or any of them, remain Vested in them, or any of them, by Virtue of this Act, shall be at Liberty to Sue for, in Manner aforesaid, and recover the said Estates, and the Rents thereof, and the Money secured by, and Due, and Owing on the said several Securities, and the Debts due on them, or any of them, notwithstanding any Statute or Statutes of Limitation heretofore made to the Contrary; and that no Statute of Limitation shall be pleaded, insisted, or relied on, or any way made Use of, in any Court of Law or Equity, to Bar or in any Sort affect the Estates, Securities, or Debts, or any of them,

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Whilst the same, or any of them, have been Vested in the said Trustees in the said recited Acts mentioned, or Whilst the same, or any of them, shall remain Vested in the said Assignees, or any of them by Virtue hereof.

Provided allways, That nothing in this Act contained, shall extend, or be Construed to extend, to Bar, Hinder, or Prevent any Person whatsoever from having such Benefit and Advantage of the Statutes of Limitation, or any of them, as such Person had, or might have had, at the Time of Passing the said First Recited Act, in as Ample and Beneficial a Manner, as if this Act had never been made.

And Provided allways, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to prevent any Person from Pleading all or any of the Statutes of Limitation, to any Action or Suit which shall be brought for Recovery of any Simple Contract, Debt or Debts whatsoever, hereby Vested, or intended to be Vested, in the said Assignees.

And be it further Enacted by the Authority aforesaid, That the said Assignees shall be accountable only for what they shall respectively Receive, and not One of them for the Receipts of the Other, or Others of them; and the said Assignees,

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or any of them, shall not be accountable for any Loss that may arise by Means of their Depositing in any known Bank of the City of Dublin, any other Money by them received out of any of the Estates and Effects hereby Vested, or intended to be Vested, in the said Assignees; and that if any of the said Assignees shall Die before all the Trusts of this Act shall be finally Executed, the surviving Assignees, or the major Part of them, shall, and may, by Writing under their Hands and Seals, Nominate and Appoint such Person or Persons as they shall think proper, in the Room and Stead of the said Assignee or Assignees, so dead, which Person or Persons so Appointed, shall be an Assignee or Assignees within the Intent and Meaning of this Act, as fully and effectually, to all Intents and Purposes, as if he or they had been herein before expressly Named and Appointed an Assignee or Assignees.

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And in Order to Prevent tedious and expensive Suits in Law, or in Equity, which may hereafter arise between the respective separate Creditors of Benjamin Burton, and of Samuel Burton, and the said Assignees and Bank Creditors, or some or any of them, or between any Person being, or claiming to be, Intitled to any Part of the Estate or Effects hereby Vested, or intended to be Vested, in the said Assignees, or to be Paid thereout, any Sum of

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Money or other Demand, to the further Delay of the Execution of this Trust, and to the Prejudice of the Fund for Payment of the said Bank Creditors; Be it further Enacted by the Authority aforesaid, That the said Assignees, or any Three or more of them, by and with the Consent, in Writing, of the said Charles, Lord Archbishop of Dublin, Mary, Countess of Kildare, Edward, Lord Bishop of Elphin, Henry Hatch, Thomas Croker, Francis Lodge, Hugh Eccles, William Chamberlain, Thomas Wolfe, John Finlay, or Two Thirds or more of them, or of the Survivors of them, and the said separate Creditors, their Executors, Administrators, and Assigns, and all and every other Person and Persons, being, or claiming to be, Intitled to any Part of the Estates or Effects hereby Vested, or intended to be Vested, in the said Assignees, or to be Paid thereout, any Sum of Money, or other Demand, shall and may Compound with each other, respectively, for their respective Demands, upon the said Estates and Effects, or make or enter into such Agreement or Agreements, or Assignment or Assignments, of such Estate or Effects, to or with such Person or Persons as they shall think proper for Preventing such Suits or Delays; and that every such Composition, Agreement, or Assignment, as shall be so made or entered into, shall be Binding and Conclusive, to, and

upon

upon all and every of the said Bank and separate Creditors, respectively, their Executors, Administrators, and Assigns; provided that Publick Notice of such intended Composition, Agreement, or Assignment, be first given in the Dublin Gazette, One Month before such Composition, Agreement, or Assignment, shall be finally Executed or Concluded. Provided also, that no such Composition, Agreement, or Assignment, as shall be made or entered into, by and between the said Bank Creditors, and the said separate Creditors, or by any Executors, Administrators, Guardian, or Guardians of any Creditors therein interested, pursuant to this Act, or by Virtue of any of the Powers herein, shall be Binding or Conclusive, upon such Bank and separate Creditors, or such Executors, Administrators, Guardian, or Guardians, of any such Bank and separate Creditor or Creditors, or of any Person or Persons interested as a Bank or separate Creditor or Creditors, unless the same shall also be Agreed to, and Signed by such Petitioning Creditors, or the Survivors of them, or Two Thirds of them, or the Survivors of them, and the separate Creditors, respectively, or by those authorized by them respectively: Provided also, That no Creditor or Creditors shall be Obliged or Compellable to Accept of a Composition for his, her, or their Debt or Debts,

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without the Consent, in Writing, of such Creditor or Creditors, respectively, his, her, or their respective Executors or Administrators.

And be it further Enacted by the Authority aforesaid, That no Part of the Time, during which the said Securities and Debts, or any of them, shall Remain Vested in the said Assignees, or any of them, by Virtue of this Act, shall be Esteemed or Accounted any Part of the Time within which the Person or Persons, respectively, who is, are, or shall be Intitled to, or interested in, all or any of the said Securities and Debts, or any of them, after the full Execution of this and the said several recited Acts of Parliament, ought by the Statute or Statutes of Limitation of Actions, or other Law, Usage, or Custom, to bring his, her, or their Action or Actions, Suit or Suits, for Recovery of any such Debt or Debts, so Secured or Owing, on or by the said several Securities, or any of them, but that such Person or Persons, respectively, shall have Allowance of all such Time as has hitherto, and shall hereafter Incur, while the said Securities and Debts, or any of them, remain Vested in the said Assignees, by Virtue of this Act; and shall and may, at any Time, within Two Years after the full

full Execution of this Act, be at Liberty to bring his, her, or their Action or Actions, Suit or Suits, for Recovery of all or any Sum or Sums of Money, so Due, or Secured and Vested in the said Assignees, the Statute of Limitations, or any Law, Statute, or Usage to the Contrary, notwithstanding.

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And whereas, in and by the said recited Act, of the Twenty fifth Year of his present Majesty, it is Enacted, That the Trustees therein mentioned, or any Three or more of them, shall and may, and are thereby impowered to Settle and Adjust all and every the Bills and Bill of Costs, of all and every the Agent or Agents of the said Bank Creditors, as between the Agent and Agents, and the said Bank Creditors, in and about the Passing or Carrying into Execution, that and the said former Acts, or any, or either of them, or in or about any Suits or Suit at Law, or in Equity, touching or concerning any of the Trusts of that or the said former Acts, or any, or either of them; and also all and every Bills and Bill of Costs of all and every the Agent or Agents of the said Trustees, as between the said Agents and Agent, and the said Trustees, in, or about, any such Suits or Suit, as aforesaid; Provided, that the said Agent or Agents should Ex-

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hibit his, her, or their Claim or Claims, on or before the First Day of October, then next; and provided, that the said Trustees should Determine such Claim or Claims, on or before the Thirty first Day March, One thousand seven hundred and fifty three.

And whereas Robert Roberts, Esquire, Deceased, late Agent to the said Creditors and Trustees for the said Matters, did Exhibit his Claim, whereon an Adjudication was made, within the Time limited for the said Purposes, by the said Act;

And whereas several Articles, amounting to a considerable Sum, and which were Taxed by One of the Masters of the High Court of Chancery, to be really and justly Due to the said Robert Roberts, were not allowed to him by the said Trustees, upon the said Adjudication, by Reason of an Engagement formerly Entered into by the said Bank Creditors, to allow the said Robert Roberts Three Pence in the Pound, for all the Sums Raised, or to be Raised for their Use, payable out of such Sum or Sums of Money as they should Receive, for, or on Account of the Interest due for their respective Demands.

And

And whereas there is great Reason to Apprehend, that the Fund for Payment of the said Bank Creditors, will not Amount to more than will Satisfy the Principal Money remaining Due to them, respectively, after Payment of all Costs and Expences attending the Passing and Execution of this Act, and the former Acts, without Payment of any such Interest; by Means whereof the Representatives of the said Robert Roberts, are likely to lose a Considerable Part of their Demand. CHAP. XII.

And be it Enacted by the Authority aforesaid, That the said Assignees, or any Three or more of them, do, and shall, and are hereby impowered to Pay the Amount of all such Articles as were not allowed by the said Trustees, as aforesaid, to the Representatives of the said Robert Roberts, out of such Money as shall come to their Hands, and belong to the said Bank Creditors, only in Lieu and Satisfaction of the said Three Pence in the Pound, and any Thing herein, or in the said former Acts, or any, or either of them, to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Assignees, or any Three or more of them, do, and shall, and are hereby Impowered, to Settle

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and Adjust, all and every such other Bills and Bill of Costs, of all and every the Agent and Agents of the said Bank Creditors, in and about carrying the said former Acts, or any, or either of them, into Execution, or in, or about any Suit or Suits whatsoever, Touching, or Concerning, or any way Relating to the said former Acts, or any, or either of them, which shall, or may have Accrued, or become Due, since the first Day of October, in the said Act of the Twenty fifth Year of His Present Majesty's Reign, mentioned; and, when said Bill and Bills of Costs shall be Adjusted, and Settled, to pay the same out of the Produce of the Effects Vested in them, and belonging to the said Bank Creditors only, as aforesaid.

Provided allways, that any Person or Persons, thinking him or themselves Aggrieved, by any such Taxation or Taxations, may Appeal from the same, by Petition, to the Lord High Chancellor.

And be it further Enacted by the Authority aforesaid, That the said Assignees, or Three or more of them, by Writing under their Hands and Seals, shall, and may Nominate and Appoint One or Two Person or Persons, to Officiate under them, during their Pleasure, in the Capacity of a Clerk or Book-keeper, who shall

shall keep One or more Distinct Book or Books of Account, wherein he or they shall only Enter all Sum and Sums of Money, which the said Assignees, or any Three or more of them, shall have got or Received, out of the said Effects, hereby Vested or intended to be Vested in the said Assignees; and all Sum and Sums of Money, which the said Assignees, or any Three or more of them, shall, from Time to Time, Pay, Lay out, and Expend, in Discharge of the said Trusts hereby Reposed in them, to which Book or Books of Account, all Persons interested in the said Effects so Vested, shall, at all Reasonable Times, have free Resort, and Inspect the same, as often as he or they shall think fit; and that the said Clerk or Clerks, Book-keeper or Book-keepers, shall have for his and their Service or Services, such a Salary or Salaries Yearly, or according to the Yearly Rate, not exceeding in the Whole, by the Year, the Sum of Sixty Pounds, as the said Assignees, or any Three or more of them, shall, by Writing under their Hands and Seals, Direct and Appoint to be Paid by the said Assignees, or any Three or more of them, out of the Produce of the said Effects hereby Vested in them, and belonging to the said Bank Creditors only.

CHAP. And be it Enacted by the Authority aforesaid, That the Sum of Two Pence in the Pound, for each, and every Pound which shall be Raised by the said Assignees out of the said Effects, so Vested in them, by Virtue of this Act, over and above the Charges of obtaining the same, and over and above all the other Costs, Expences, and Disbursements attending the Execution of this Act, and the Suing for, Recovering, or Defending the said Effects hereby Vested in the said Assignees, shall be Paid unto the said Assignees, or such of them as shall Act therein, or in the Trust hereby Reposed in them.

And be it further Enacted by the Authority aforesaid, That this Act, and all, and every Clause and Clauses herein contained, and every Part thereof, shall be Deemed and taken Notice of, in all Courts of Law and Equity, as a Publick Act of Parliament.

And be it further Enacted by the Authority aforesaid, That if there shall be any Overplus of the Money Arising by the Sale or Produce of the several Effects hereby Vested in the said Assignees, after the Performance of all the said Trusts relative to the said Effects, respectively, the same shall go, and belong, and be applied to, and for the Use and Benefit, of such Person or Persons, as would have been

Intitled

Intitled to the same, if this, and the said former Acts, or any, or either of them, had never been made.

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And whereas by Indenture, bearing Date the Eleventh Day of June, in the Year of Our Lord, One thousand seven hundred and eight, made, or mentioned to be made, between Charles Campbell, late of the City of Dublin Esquire, Deceased, of the first Part, Edward Stratford, late of Belon, in the County of Kildare Esquire, Deceased, and Roger Bristow, late of Castle Hill, in the County of Down, Gentleman, Deceased, of the second Part, and the said Benjamin Burton of the third Part, Reciting, that a Marriage was then intended, between the said Samuel Burton, and Anne the Daughter and only Child of the said Charles Campbell, and that it was Part of the Marriage Agreement, that the said Charles Campbell, should Pay down the Sum of Three thousand five hundred Pounds, and secure the Payment of such further Sum, at such Time, and in such Manner, as in the said Indenture is Expressed, the said Charles Campbell, in Execution and Performance of the said Marriage Agreement, on his Part, and for Securing such of the Sums of Five hundred Pounds, or Three thousand five hundred Pounds, unto the said Benjamin

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Burton, his Executors, Administrators, and Assigns, as aforesaid, according to the Intent and true Meaning of the said Indenture, become payable; and likewise in Consideration of the Sum of Five Shillings a piece in Hand, paid by the said Edward Stratford and Roger Bristow, Granted, Bargained, Sold, Demised, Set, and to Farm Let, unto the said Edward Stratford and Roger Bristow, their Executors, Administrators, and Assigns, the Tolons and Lands of Great Cookestown, Little Cookestown, Gerrardstown, *alias* Geraldstown, Trevot, Ballydoghan, *alias* Ballydoghnan, Stupestown, and Sealestown, all in the Barony of Skreen and County of Meath, the Poles, Tolons, and Lands of Ballaghanmore, Ballaghanbegg, Lissneclugg, Carrickdonow, *alias* Carriglenchoe, both the Raths, Ballynnclorgan, *alias* Ballinlurgnan, New Castle, Mullaghboy, and Cardoway, *alias* Culdery, with all the Inferior and Subdenominations to the said Poles and Lands belonging, commonly called and known by the Name of the Ten Poles, and containing in the Whole, by common Estimation, Nine hundred and twelve Acres, profitable Land, plantation Measure (be the same more or less) Situate, Lying, and Being in the Barony of Slane and County of Meath, as also, all those the Poles, Tolons, and Lands of Donree, *alias* Liscomeree, *alias* Dromereagh,

Digen

Digen Caffry, *alias* Derene Caffry, Drompeak, Lissgowanbegg, Lissgowanmore, Drumhalpin, Carriglass, Dromskier *alias* Dromskerry, Raghra *alias* Raragh, Cornkilly, Gorgy *alias* Cornagee, Carrynagowen, Dromeran, Lismoore, Knockcappill *alias* Knockacapill *alias* Merehill, Roragh *alias* Rakay, and Lissrevogh *alias* Lissreagh, **with all the Inferior and Subdenominations to the said last mentioned Poles and Lands belonging, commonly called and known by the Name of the** Seventeen Poles, **and containing in the Whole, by common Estimation, Twelve hundred and thirty six Acres, profitable Land, Plantation Measure, be the same more or less, Situate, Lying, and Being in the Barony of** Clonkee, **and County of** Cavan, **and the Town and Lands of** Monester Boyce, **in the Barony of** Ferrard **and County of** Lowth, **together with all and Singular, the Rights, Members, Privileges, Advantages, Emoluments, Appendances, and Appurtenances thereunto belonging, or in any Wise Appertaining, to hold all and Singular, the said Lands and Premisses, with their Appurtenances, from the Date of the said Indenture, for, and during the full End and Term of Ninety nine Years, at the Yearly Rent of a Pepper Corn, if lawfully Demanded, upon Trust and Confidence; and to the Intent and Purpose, that the said** Edward Stratford **and** Roger Bristow, **and the Sur-**

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vivor of them, and the Executors and Administrators of such Survivor, should, by Demise or Mortgage of the said Term, or any Part thereof, or otherwise, as they should think fit, Raise and Levy, such of the said Sums of Five hundred Pounds, or, Three thousand five hundred Pounds, as should become Due and Payable to the said Benjamin Burton, according to the Intent and Meaning of the said Indenture, to be Paid at such Times, and in such Manner, as is thereby Declared (that is to say) in Case the said Anne Campbell happened to Die, within the Space of Two Years from the Date of the said Indenture, without Issue of her Body then Living, or if she should leave any Issue, and such Issue should Die within the Time aforesaid, then the said Edward Stratford and Roger Bristow, should Raise and Levy the Sum of Five hundred Pounds Sterling, and no more, within One Month after the Death or Second Marriage of the said Charles Campbell, which should first happen, and pay the same to the said Benjamin Burton, his Executors, Administrators or Assigns, within the Time aforesaid, with lawful Interest for the said Sum of Five hundred Pounds, from the Death or Second Marriage of the said Charles Campbell, to the Time of Payment; but if the said Anne should Die,

Viz, within the said Term of Two Years from the Date of the said Indenture, leaving Issue of her Body begotten, and such Issue should outlive the said Term of Two Years, or if she should happen to live beyond the said Term of Two Years, then the said Edward Stratford and Roger Bristow, and the Survivor of them, and the Executors and Administrators of such Survivor should Raise and Levy, by Demise or Mortgage of the Premisses, or any Part thereof, or by such other Ways and Means as they should think fit, the Sum of Three Thousand Five Hundred Pounds, within Three Months next after the Day of the said Charles Campbell's Second Marriage, or Day of his Death, which should first happen, and pay the same to the said Benjamin Burton, his Executors, Administrators, or Assigns, with Lawful Interest for the same, from the Death or Second Marriage of the said Charles Campbell; and it is provided, in and by the said Indenture, that whensoever such of the said Sums as should become Due and Payable, as aforesaid, and all the Interest for the same, together with all Costs and Charges that should be expended in, or about the Execution of the said Trusts, should be Raised, Levied, and paid, that then, and from thenceforth, the said Term of Ninety nine Years, should Cease, Determine, and be Void to all Intents

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tents and Purposes whatsoever; as by the said Indenture, Relation being thereunto had, may more fully appear.

And whereas the said Marriage was afterwards had and Solemnized, and the said Anne departed this Life, on or about the Twentieth Day of October, in the Year One thousand seven hundred and fourteen, leaving Issue of her Body begotten by the said Samuel Burton, Benjamin Burton, now of Burton-Hall in the County of Carlow, Esquire, her only Son, and Catherine Burton, now the Right Honourable Catherine, Lady Viscountess Dowager Nettirvill, her only Daughter.

And whereas the said Charles Campbell departed this Life, on or about the Twenty ninth Day of October, in the Year One thousand seven hundred and twenty five, leaving the said Benjamin Burton, now of Burton-Hall, his Grandson and Heir at Law, an Infant of the Age of Twelve Years, or thereabouts; but before his Death, duly made and published his Last Will and Testament in Writing, and thereby Devised his Real Estate, of the clear Yearly Value of One thousand five hundred Pounds and upwards, and also his Personal Estate (after Payment of his Debts and Legacies) in Manner in the said Will Expressed, to the said Benjamin Burton, now of Burton-Hall, his Grandson, for Life, Remainder,

mainder to his first and other Sons in Tail Male, with divers Remainders over; and of his said Will constituted and appointed Bruen Worthington, Esquire, John Moore, Merchant, and William Colvill, Gentleman, his Executors, who duly proved the same in the Prerogative Court of this Kingdom.

And whereas by the Death of the said Charles Campbell, the said Benjamin Burton, the Elder, became intitled to the said Sum of Three Thousand Five Hundred Pounds, Secured in the Manner aforesaid.

And whereas the said Benjamin Burton, the Elder, departed this Life, on, or about the Thirteenth Day of May, in the Year One thousand seven hundred and Twenty eight, having first made his Will, and thereof appointed the said Samuel Burton, his eldest Son, sole Executor and Residuary Legatee, who thereby became intitled to the Trusts of the said Term of Ninety nine Years herein before mentioned, and to the said Sum of Three Thousand Five Hundred Pounds secured thereby.

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And whereas the said Samuel Burton, soon after the Death of the said Charles Campbell, was appointed Guardian by the Court of Chancery in this Kingdom, of the said Benjamin Burton, now of Burton-Hall, his Son, then an Infant, of the Age of Twelve Years, or thereabouts, and thereupon entered into the possession of all and singular the Mortgaged Lands, Tenements and Hereditaments herein before mentioned, and all other the Real Estate of the said Charles Cambell, amounting in Value, in the whole, to the clear Yearly Sum of One Thousand Five Hundred Pounds Sterling, and upwards, and Received the Rents, Issues, and Profits thereof, and Converted the same to his own Use, and Died, leaving his Son, the said Benjamin Burton, an Infant, under the Age of Twenty one Years, without rendering any Account whatsoever for the same.

And whereas the said Samuel Burton by his Bond or Obligation, bearing Date the Twenty second Day of November, One Thousand seven hundred and twenty seven, became bound to the said Bruen Worthington, John Moore, and William Colvill, in the Penal Sum of Two Hundred and Forty Five Pounds and Twelve Shillings, Conditioned

ditioned for Payment of One Hundred and Twenty Two Pounds Sixteen Shillings on the Twenty second Day of November, in the Year One thousand seven hundred and twenty nine, with Lawful Interest for the same, which said Bond was entered into by the said Samuel Burton, for Part of the said Charles Campbell's Personal Estate which came to his Hands, and was applied by him to his own Use.

And whereas the said Samuel Burton also possessed himself of several other Parcels of Goods, Part of the Personal Estate of the said Charles Campbell, amounting in Value to the Sum of One Thousand Pounds Two Shillings and Ten Pence, and for Securing the Payment of the said Sum by Deed or Specialty in Writing duly executed under his Hand and Seal, and Dated the First Day of December, in the Year One thousand Seven hundred and twenty seven, Covenanted to, and with the said Bruen Worthington, John Moore, and William Colvill, that he the said Samuel Burton, his Heirs, Executors, or Administrators, should, and would pay unto the said Bruen Worthington, John Moore, and William Colvill, or the Survivor of them, or the Executors, or Administrators of such Survivor, the said

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Sum of One Thousand Pounds Two Shillings and Ten Pence on Demand.

And whereas the said Samuel Burton afterwards (that is to say) on or about the Eighth Day of July, One thousand seven hundred and thirty three, departed this Life, having first made his Will, and thereof appointed John Hardy, Esquire, Francis Burton, Esquire, both since dead, Francis Bindon, Esquire, and the said Benjamin Burton, now of Burton-Hall, his Executors, and bequeathed the Residue of his Personal Fortune, after Payment of his Debts and Legacies, to his Son the said Benjamin Burton, now of Burton-Hall, for his own Use.

And whereas the said Bank, kept by Samuel Burton and Daniel Falkiner, were also indebted to the Executors of the said Charles Campbell, by their Cash Note, and by Ballance of an Account in the Sum of One Hundred and Nine Pounds Eleven Shillings and Ten Pence; which said three Sums last mentioned, amount, in the whole, to the Sum of One Thousand Two Hundred and Thirty Two Pounds Ten Shillings and Eight Pence, Principal Money.

And

And whereas, on or about the Ninth Day of March, in the Year One thousand seven hundred and thirty five, the Executors of the said Charles Campbell obtained Decrees before said Trustees, for the said three several Principal Sums, with the Interest thereof, but no Part of the said Sums have been since paid, or accounted for.

And whereas the said Bruen Worthington and John Moore died several Years ago, and the said William Colvill survived them, and died on or about the Month of March, in the Year One Thousand seven hundred and fifty five, Intestate, and the said Benjamin Burton, now of Burton-Hall, on his Decease, obtained Letters of Administration out of His Majesty's Court of Prerogative in this Kingdom, of the Personal Estate of the said Charles Campbell, Unadministered, with his Will annexed, by Virtue whereof he is now intitled to such Part of the said Personal Estate as is unreceived.

And whereas Suits and Controversies were likely to Arise, by, and between the said Trustees and Creditors of the said Bank, and the said Benjamin Burton, now of Burton-Hall, touching and concerning the

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Money alledged to be Due upon, or Secured by the said Mortgage for Ninety nine Years, herein before mentioned, the said Benjamin Burton, nolo of Burton-Hall, asserting, that the said Mortgage, or Term for Ninety nine Years, herein before mentioned, and the Money due and secured thereby from, and immediately after the Death of the said Benjamin Burton, his Grandfather, Vested in the said Samuel Burton, as his Executor; and that all the Rents and Profits of the said Mortgaged Premisses, as well as all other the Rents and Profits of the said Charles Campbell's Real Estate, not Comprised in the said Mortgage, which were Received by the said Samuel Burton, after the Death of the said Benjamin Burton, the Elder; And also the said several Sums, for which Decrees were Obtained before the said Trustees, as aforesaid, ought, in Equity, to be considered as Payments made to him the said Samuel Burton, in Discharge of the said Mortgage; and that upon a fair Account, it would appear, that the said Mortgage was thereby Satisfied and Paid to the said Samuel Burton, in his Lifetime, with a very considerable Overplus; and that by an Exception in the said recited Act of the Seventh Year of his present Majesty's Reign, the said

Mortgage

Mortgage (being really, and, bona fide, paid, in Manner aforesaid) was not Vested in the said Trustees, and therefore cannot, in Law or Equity, be Subject to the Demands of the said Creditors; and that by the last General Saving in the said recited Act, of the Seventh Year of his Majesty's Reign, all the Right and Interest, which the said Benjamin Burton, now of Burton-Hall, was, or is Intitled to, as Representative of the said Charles Campbell, is thereby Saved, as fully as if the said recited Act had never been made.

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And whereas such Suits and Controversies would greatly Impede the Execution of the said recited Acts, and lessen that Fund which now remains for Payment of the said Creditors;

And whereas the said Benjamin Burton, now of Burton-Hall, hath proposed to Release all Right, Title, Claim, Challenge, or Demand whatsoever, which he has, or claims to have in, to, or out of all and every Part of the Estates, Real and personal, which did belong to the said Benjamin Burton, the Elder, his Grandfather, or Samuel Burton, his Father, or either of them, which were Vested in the said Trustees, by the said re-

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cited Acts of Parliament, or any of them, and also all Right, Title, Claim, Challenge, or Demand whatsoever, which he, the said Benjamin Burton, of Burton-Hall, can or may have in, to, or out of the said Decrees, so as aforesaid obtained, before the said Trustees, by the Executors of the said Charles Campbell, and the said Three Sums, amounting to the Sum of One thousand two hundred and thirty two Pounds Ten Shillings and eight Pence, Principal Money, and the Interest thereof, in Consideration that the said Mortgage, for and during the Residue of the said Term for Ninety nine Years, herein before mentioned, shall be Vested in a Trustee, for the Use of him the said Benjamin Burton, of Burton-Hall.

Therefore be it Enacted by the Authority aforesaid, That all and every the Lands, Tenements, and Hereditaments, herein before mentioned, or comprized in the said Indenture of the Eleventh Day of June, One thousand seven hundred and eight, with their and every of their Rights, Members, and Appurtenances, and all the Estate, Right, Title, Term and Interest thereby Granted, Bargained, and Sold, shall be, and is, and are hereby Declared

and

and Enacted to be Vested in Charles Caldwell, of the City of Dublin, Esquire, his Executors, Administrators, and Assigns, for and during all the Rest, Residue and Remainder of the said Term of Ninety nine Years, yet to come, and unexpired, Freed and Discharged of and from all Claims and Demands of the said Trustees and Assignees, or of the said several Creditors of the said several Banks, and of all and every Person or Persons, Claiming or Deriving by, from, or under them, or any of them, in Trust, nevertheless, and to and for the sole Use and Benefit of the said Benjamin Burton, of Burton-Hall, his Executors, Administrators, or Assigns, and to and for no other Use, Intent, or Purpose whatsoever, subject, nevertheless, to the Proviso or Condition of Redemption, in the said recited Mortgage Contained.

And be it further Enacted by the Authority aforesaid, That the said Benjamin Burton, of Burton-Hall, shall be, and is hereby Declared and Enacted to be, Barred of all Rights, Claims, Challenges, and Demands whatsoever, which he now has, or hereafter might have, of, in, to, or out of the said Decrees, so as aforesaid Obtained, before the said Trustees, by the Representatives

CHAP. XII.

tatives of the said Charles Campbell; and the said Three Sums, amounting to the Sum of One thousand two hundred and thirty Pounds ten Shillings and eight Pence, Principal Money, and every Part thereof, and all Interest now Due for the same, or any Part thereof, and also all Rights, Claims, Challenges, and Demands whatsoever, which he now has, or hereafter might have, of, in, to, or out of, all or any Part of the Estate, Real or Personal, which did belong to the said Benjamin Burton, the Elder, his Grandfather, and the said Samuel Burton, his Father, or either of them, which were Vested in the said Trustees, by the said recited Acts, or any of them, and that the same, and every Part thereof, shall be and remain Vested in the said Assignees, their Heirs, Executors, Administrators, and Assigns, respectively, upon the Trusts aforesaid, Freed and Discharged of and from all Claims and Demands of the said Benjamin Burton, now of Burton-Hall, his Heirs, Executors, and Administrators, and of all Person or Persons Claiming or Deriving by, from, or under him or them.

Saving allways, to the King's Most Excellent Majesty, and to all and every other

other Person or Persons, Bodies Politick and Corporate (except the said Benjamin Burton, Francis Harrison, and Samuel Burton, Deceased, the said Daniel Falkiner, and the said Trustees, and the said Benjamin Burton, now of Burton-Hall, and all Persons Claiming and Deriving by, from, or under them, or any of them) all such Right, Title, and Interest, as they, or any of them, might have had, in Case this and the said former Acts had never been made.

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